

NO. 23477

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

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WILLIAM SILVA; DANIEL MLAKAR; MICHAEL DUBBERSTEIN;  
RICHARD CANN; ERNEST CORREIA; HENRY J. SILVA;  
THOMAS C. S. HING, JR.; GLENN NOJIRI; JAMES KELLY;  
JULIAN SHIROMA; ERROL ISHIMINE; JERRY COLOMA; BRADLEY  
BALLESTEROS; ARLEN BENTO; MORTON CARTER; DENNIS CORREA;  
LODYBESY GLORY; EARL HATADA; and BURTON YAMAGUCHI,  
Plaintiffs/Counter-Defendants-Appellees and Cross-Appellees

and

RODNEY AURELLO and WILLIAM LYMAN,  
Plaintiffs and Counter-Defendants

vs.

COUNTY OF HAWAI'I and COUNTY OF HAWAI'I  
POLICE DEPARTMENT, Defendants-Appellants

and

WAYNE CARVALHO, individually and in his official  
capacity as Deputy Chief of Police and Chief of Police  
of the County of Hawai'i, FRANCIS DEMORALES, individually  
and in his official capacity as Assistant Chief of Police  
of the County of Hawaii, Defendants/Cross-Claimants/Cross-  
Defendants/Counterclaimants-Cross-Appellants

and

VICTOR VIERRA, individually and in his official  
capacity as Chief of Police of the County of Hawai'i,  
Defendant/Cross-Defendant/Counterclaimant/Cross-Claimant

and

WAYNE CARVALHO, individually and in his official capacity as  
Deputy Chief of Police and Chief of Police of the County of  
Hawai'i and VICTOR VIERRA, individually and in his official  
capacity as Chief of Police of the County of Hawai'i, Third-Party  
Plaintiffs and Counter-Defendants

vs.

GUY PAUL, individually and in his official capacity  
as Chief of Police of the County of Hawai'i,  
Third-Party Defendant and Counterclaimant

and

STATE OF HAWAI'I ORGANIZATION OF  
POLICE OFFICERS, Third-Party Defendant

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APPEAL FROM THE THIRD CIRCUIT COURT  
(CR. NO. 97-0622)

ORDER DISMISSING APPEAL AND CROSS-APPEALS

(By: Moon, C.J., Levinson,  
Nakayama, Ramil, and Acoba, JJ.)

Upon review of the statements of jurisdiction and the record, it appears that: (1) the February 3, 2000 judgment, which purports to be the final judgment in Civil No. 97-622, does not show finality as to all claims of all the parties, as required by HRCF 58 and by our decision in Jenkins v. Cades Schutte Fleming & Wright, 76 Hawai'i 115, 119-120, 869 P.2d 1334, 1339-39 (1994); (2) disposition of those claims not mentioned in the judgment are not effected by the declarations that "there are no remaining parties, claims, counterclaims, cross-claims and/or issues" and that "all claims not addressed above have been disposed of by motion or have been withdrawn;" see Jenkins, 76 Hawai'i at 120 n.4, 869 P.2d at 1339 n.4. ("A statement that declares 'there are no other outstanding claims' is not a judgment."); and, thus, (3) the appeals from the February 3, 2000 judgment are premature and we lack jurisdiction. Therefore,

IT IS HEREBY ORDERED that the appeals by appellant County of Hawaii, cross-appellant Wayne Carvalho and cross-appellant Francis DeMorales are dismissed for lack of appellate jurisdiction.

DATED: Honolulu, Hawai'i, September 6, 2000.